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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 ARSENIO J. GRAY,

8 Plaintiff,

9 v.

10 MICHAEL J. ASTRUE, Commissioner of
11 Social Security,

12 Defendant.

Case No. C11-2085-JCC-BAT

**REPORT AND
RECOMMENDATION**

13 Arsenio J. Gray seeks review of the denial of his Supplemental Security Income and
14 Disability Insurance Benefits applications. Dkt. 3. The parties stipulate the case should be
15 **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence
16 four of 42 U.S.C. § 405(g). Dkt. 18. The parties stipulate that on remand, the ALJ will hold a *de*
17 *novo* hearing and plaintiff may raise any issue. The parties further stipulate the ALJ will:

- 18 (1) Update the treatment evidence regarding the claimant's medical condition;
19 (2) Reevaluate the severity of all medically determinable mental impairments under
20 the special technique and further evaluate whether the claimant meets or equals a
21 listed impairment;
22 (3) Reevaluate and explain the reasons for the weight given to opinion evidence,
23 including the medical source opinions of David Sandvik, M.D.; Kerry T. Bartlett,

1 Ph.D.; T. Christopher Portman, Ph.D.; and state agency non-examining
2 consultative physicians; and evidence from “other source” Alyson Batchelder-
3 Bestle;

- 4 (4) Reassess plaintiff’s credibility and residual functional capacity in light of the
5 updated record, citing specific evidence in support of the assessed limitations;
6 (5) Reevaluate whether plaintiff could perform past relevant work; and
7 (6) Continue with the sequential evaluation process, obtaining vocational expert
8 testimony if warranted by the expanded record.

9 Upon proper presentation, this Court will consider plaintiff’s application for costs and
10 attorney fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

11 Because the parties have stipulated that the case be remanded as set forth above, the Court
12 recommends that United States District Judge John C. Coughenour immediately approve this
13 Report and Recommendation and order the case **REVERSED** and **REMANDED** for further
14 administrative proceedings. A proposed order accompanies this Report and Recommendation.

15 DATED this 9th day of May, 2012.

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18 BRIAN A. TSUCHIDA
19 United States Magistrate Judge
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